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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA

6:24-CR-00024-MC

v.

**UNITED STATES' RESPONSE TO
DEFENSE MOTION FOR RELEASE
FROM CUSTODY**

ELIZABETH WEST,

Defendant.

Defendant Elizabeth West (hereinafter, "West") threatened her workplace with violence. In a Facebook post, she referred to going out in a "blaze of glory" at work and posted a photo of two firearms underneath. She wrote about not being remembered, about having contemplated this act for a long time, and praying for forgiveness. Her threat was clear, serious, and immensely frightening. But even more frightening was what the FBI found in her home afterwards: dozens of firearms, thousands of bullets, and a journal of graphic fantasies, depicting mass murder, torture, and mutilation of minorities. West is a danger to the community and a flight risk; she should remain detained pending trial.

Procedural History

West was initially charged by complaint, charging her with Transmission of Interstate Threatening Communications, in violation of 18 U.S.C. § 875(c). On January 18, 2024, the Court held an arraignment, initial appearance, and detention hearing for West. The government argued against pretrial release. The Court determined that West should be detained, based on risk of safety to any other person or the community, pursuant to 18 U.S.C. § 3142(f)(1). ECF 6. Specifically, at the detention hearing, the Court determined that West has been charged with a crime of violence, under § 3142(f)(1)(A), for which no condition or combination of conditions would reasonably assure the safety of other persons/the community, due to the nature of the offense, possession of weapons, and mental health issues. ECF 6. The Court also determined that West is a flight risk, based on mental health issues. ECF 6. West was detained without prejudice and subsequently charged by Indictment the following day, for the same offense. On March 29, 2024, defense filed the underlying motion for release from custody.

Factual Background¹

On September 26, 2023, the FBI received information from an anonymous tipster regarding a woman by the name of Elizabeth West who was threatening individuals at her place of work, on a Facebook page. The tipster indicated they provided the information as soon as they saw the posting. The posting included a photograph of two firearms.

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¹ The information in this section was largely produced in the original complaint affidavit, which the Court considered at the initial detention hearing. However, some new factual information is contained in the section, “Search of West’s Residence and Facebook Account”, as well as Attachments A and B.



Confidential Human Source (CHS)

During the course of the investigation, FBI worked with a confidential human source (CHS) who was a close associate of West². The CHS provided information to FBI about West's

² The CHS has no criminal history and was motivated to work with the agents due to their concern of West's behavior and comments.

personal history. According to the CHS, West was arrested in 1993 for placing a shot gun in the mouth of her father and pulling the trigger, but the gun did not go off.³

According to the CHS, while West was in a relationship with her boyfriend, they would attend Neo-Nazi rallies in an unknown location in Washington. West and her boyfriend would host members from the rallies at their residence. This was approximately nine years ago and the CHS was unaware of West attending any rallies since.

West also told the CHS that last year, during Christmas, West played “Russian Roulette” with herself. The CHS believes that West has the potential to kill others, and that West has access to weapons and lots of ammunition.

Interviews of West and Online Activity

West was interviewed by FBI special agents on September 28, 2023 and October 13, 2023, regarding the statements she posted online. During the first interview, West admitted to “projecting her suicidal thoughts” on the Facebook page titled “trans-women”. The Facebook account was under the name “Elizabeth West”, even though at the time of the interview West was legally named Wyona Wolf. During this interview, West provided her cell phone number.

West told the interviewing agents she was lonely and felt suicidal in the past. She explained that she struggles with depression and had reached out to the White Bird Crisis line in Eugene in the past when she was feeling suicidal. West said her boyfriend passed away in 2017, and she struggled to find a partner since. West also recalled an experience with a recent partner. While at the partner’s home, the partner snapped at West to clean up the grounds, and West

³ Agents confirmed that West was charged with a felony that was later dropped in California in 1993. Agents are in the process of obtaining the police reports for this incident.

responded, “I am not your nigger”. West used this term with the agents when referring to individuals who are black.

West explained she had a therapist, whom she saw about once a month, yet struggled to pay the co-pays for her therapy. West offered that she has a primary care physician who was assisting her with the process of pursuing gender reassignment surgery and recently received notice that she had been approved for an initial consultation for gender reassignment surgery. West was very excited and had been working toward this for some time.

At the time of the aforementioned Facebook post that initiated this investigation, West explained she was upset because of an interaction she had with someone on Facebook. West had been communicating with a trans-woman who had moved from the UK to Oregon. This woman and her husband were building a cabin in the woods. The woman was on Oregon Health Plan (OHP), even though she and her husband had money, because their income was unreported. This woman told West about how she had gender reassignment surgery and didn’t have to pay anything out-of-pocket for it. This made West very upset, as she desperately wanted surgery but knew she would have to pay for it out-of-pocket.

At the time of the interview, West told the agents she was not suicidal and did not need additional resources outside of her therapist. West did not have any plans to harm herself or anyone else. West was still lonely but feeling hopeful. West explained she used to have a large collection of firearms but sold most of them. However, West still had about 13 or 14 firearms. West never brought a firearm to work and would never bring one to work. West did not have a concealed handgun license.

On October 13, 2023, SA Damara Gonzalez and SA Hunter Fikes called West on her cell phone to follow up on her first interview. At that time, West stated she had been fired from her

previous job and was taking time off to regroup. West needed more time off for her mental health than her job was allowing, which created a lot of stress for her. Even though she was working, she explained that she was not making enough money to access her mental health counseling. Now that she was unemployed, West believed she could reinstate her OHP and continue focusing on her mental wellness.

West told the agents her earliest suicidal ideation was in 2016, and that she has since researched ways to kill herself. One video that caught West's attention was that of a monk setting himself on fire. West believed that it looked peaceful, and it was how she envisioned herself committing suicide. Since she has left her job, she no longer feels suicidal, although the ideations come and go. She said she had been hospitalized on three different occasions; each time was after an altercation. During her hospital stays she was diagnosed with bipolar disorder, dissociative disorder and PTSD.

West told the agents that her suicidal ideations come after poor engagements with individuals. West believed that being back on OHP would allow her to establish a plan with a therapist to address these feelings. West again stated she did not have plans to hurt herself or others and that she had not researched active shooters.

West explained she still had access to firearms, although they were of more interest to her in her "boy days". Now that she is in her "girl days" she does not need the firearms. However, West did not want to give the firearms to the sheriff's office, because she lived in a rural area and may need the protection.

West told the Agents that in 1990 she was assaulted by three black males, and it was this personal attack that set off a "personal prejudice" in West against black people. West also felt that black customer service agents mis-gender her intentionally. West's boyfriend, who died in

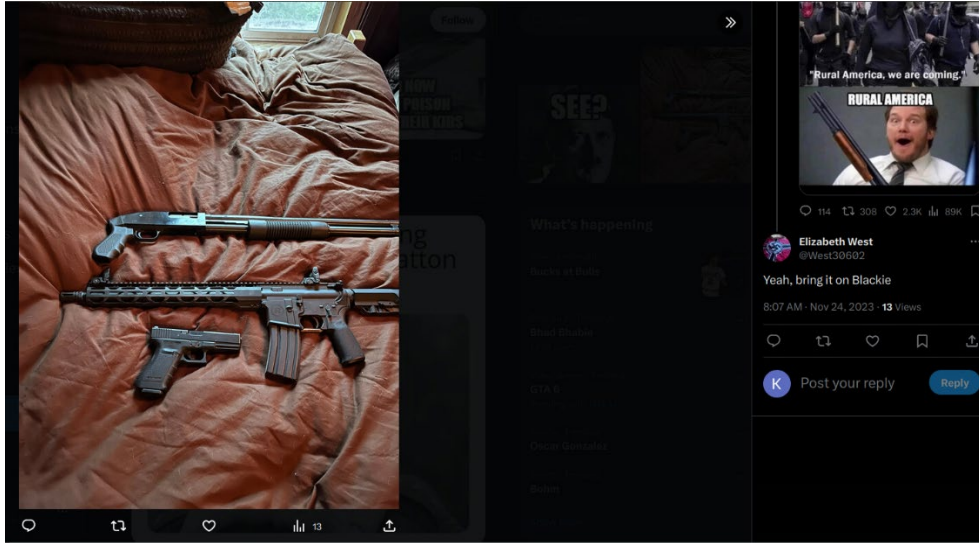
2017, had a Nazi flag. After his death she found the flag and kept it. West had not sent images of herself with the Nazi flag to anyone. West had mixed feelings about Nazi sentiments. She was juxtaposed on the climate in Israel; West felt Jewish people treat Palestinians in the same manner as the Nazis treated the Jews. West was also angry that immigrants come to the United States and receive welfare and food stamps on her tax dollars, yet she is unable to access the same benefits. The agents informed West that it is her constitutional right to engage in the freedom of speech, but she cannot advocate for violence against individuals.

“X” Posts

On November 27, 2023, the FBI became aware that West had established a social media account on the “X” platform (formerly known as “Twitter”), under the user handle “Elizabeth West”, and her profile picture was a Nazi flag and a bio stating she was an older woman trying to find her way. West had two followers and was following 13 accounts.

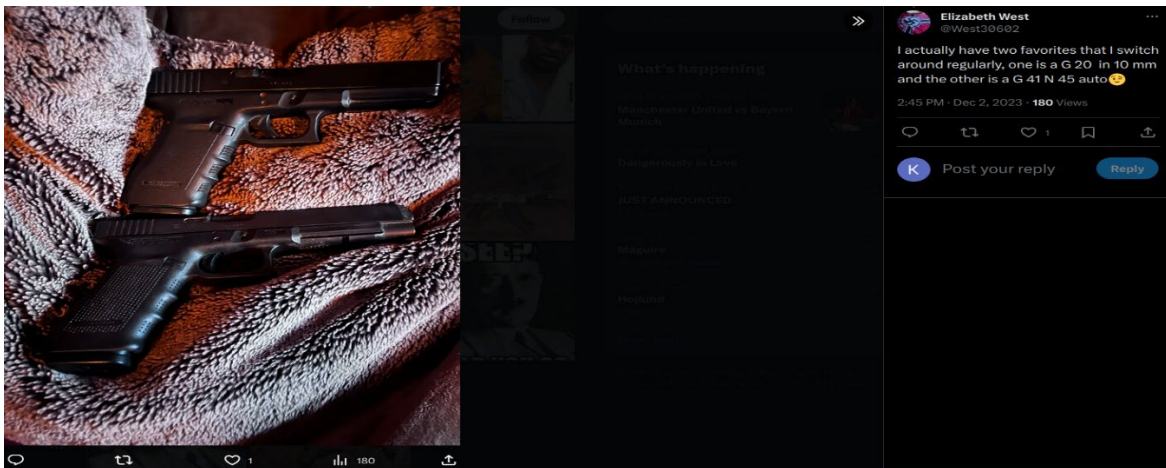
From November 27 through December 15, 2023, agents frequented West’s page as it was available to the public. Agents observed that West posted and reposted multiple memes, videos and statements that contained violence toward black and Jewish people and immigrants, images of weapons owned, idolizing of Hitler and the Nazi flag, and a live-streamed video of the Christchurch Mosque shooting in New Zealand. During this time frame, West changed her profile bio to the following: “A Nazi dominatrix from Hell, who is tired of the blackening of America and Europe and ready to stand up to the Black orcs and the Jewish Wizards”.

On November 24, 2023, West posted the below image and comment “bring it on blackie”. The image depicted one handgun, one shotgun and an AR-style assault rifle.

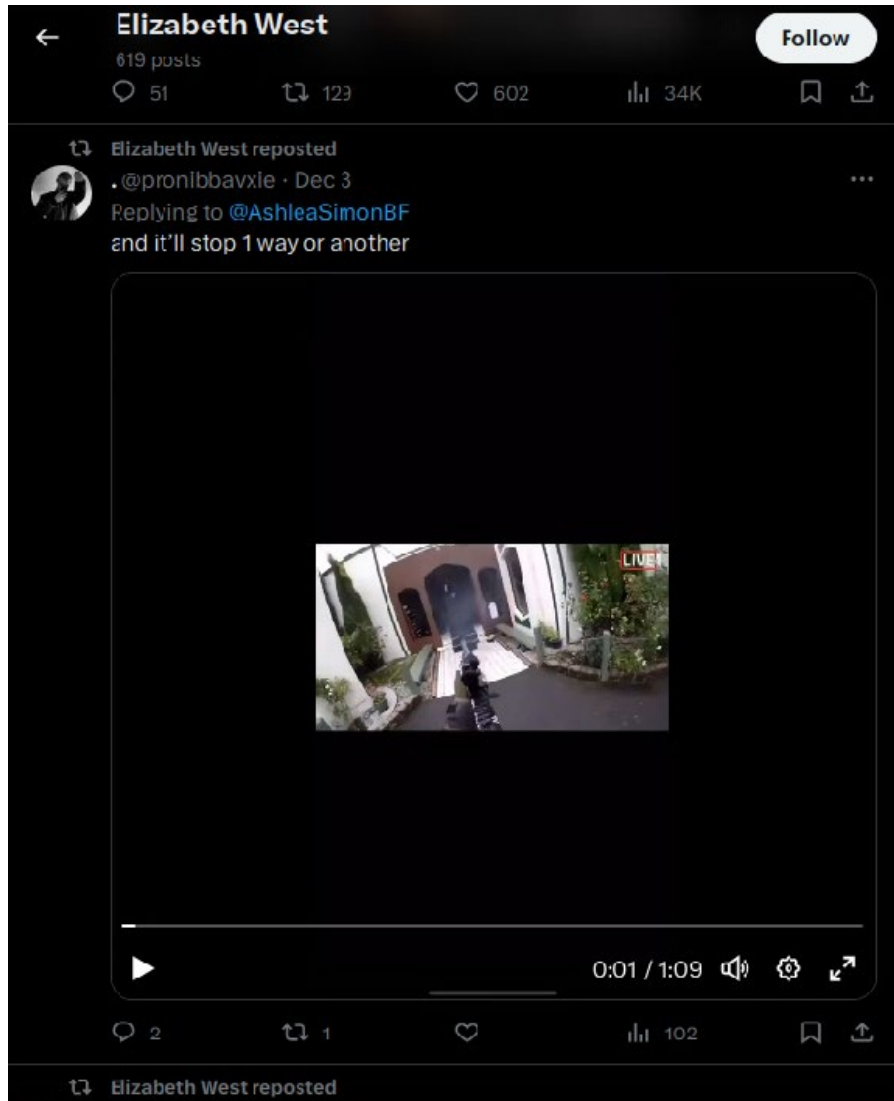


On November 30, 2023, West posted an image of George S. Patton with the caption “We defeated the wrong enemy”. An unknown person comments “America did not fight the wrong people. The N*zis were some of the worst people to ever live”. West replied to this comment stating: “We were the only ones at the time to stand up to the Jew and the mongrels and fight for an Aryan homeland and an Aryan world”.

On December 2, 2023, West posted another image of two handguns on a blanket with the comment: “I actually have two favorites that I switch around regularly, one is a G 20 in 10 mm and the other is a G41 N 45 auto [smiley winky face emoji]”.



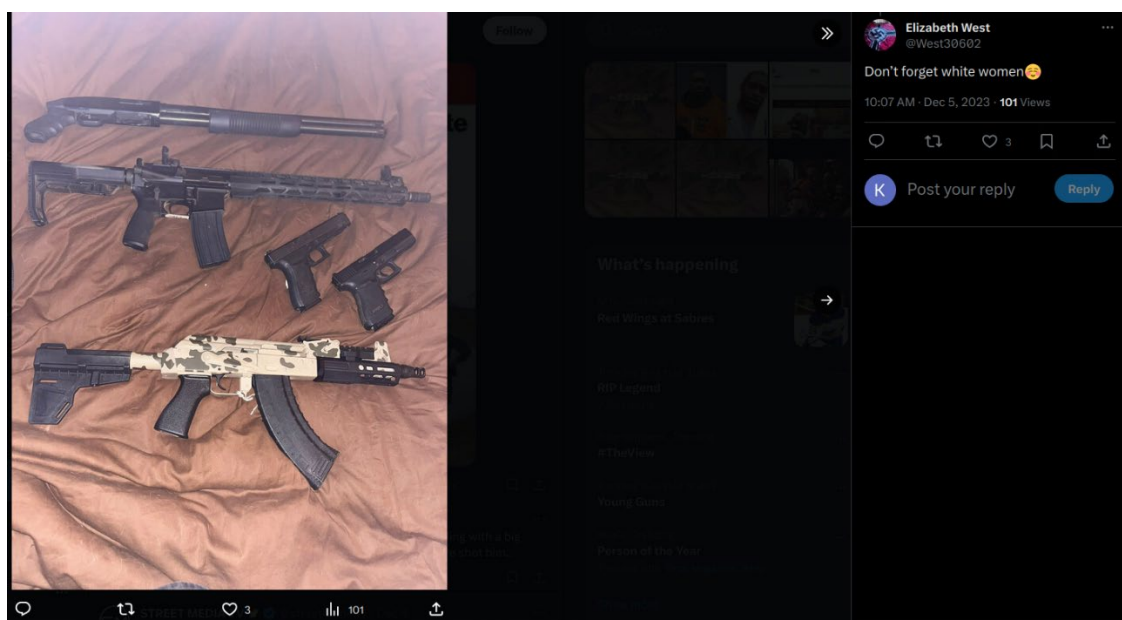
On December 3, 2023, West reposted the live-stream footage from the Christchurch Mosque Shootings in New Zealand⁴. The comment from the original poster stated, “and it’ll stop one way or another”. West also posted multiple screenshots from the live-stream footage.

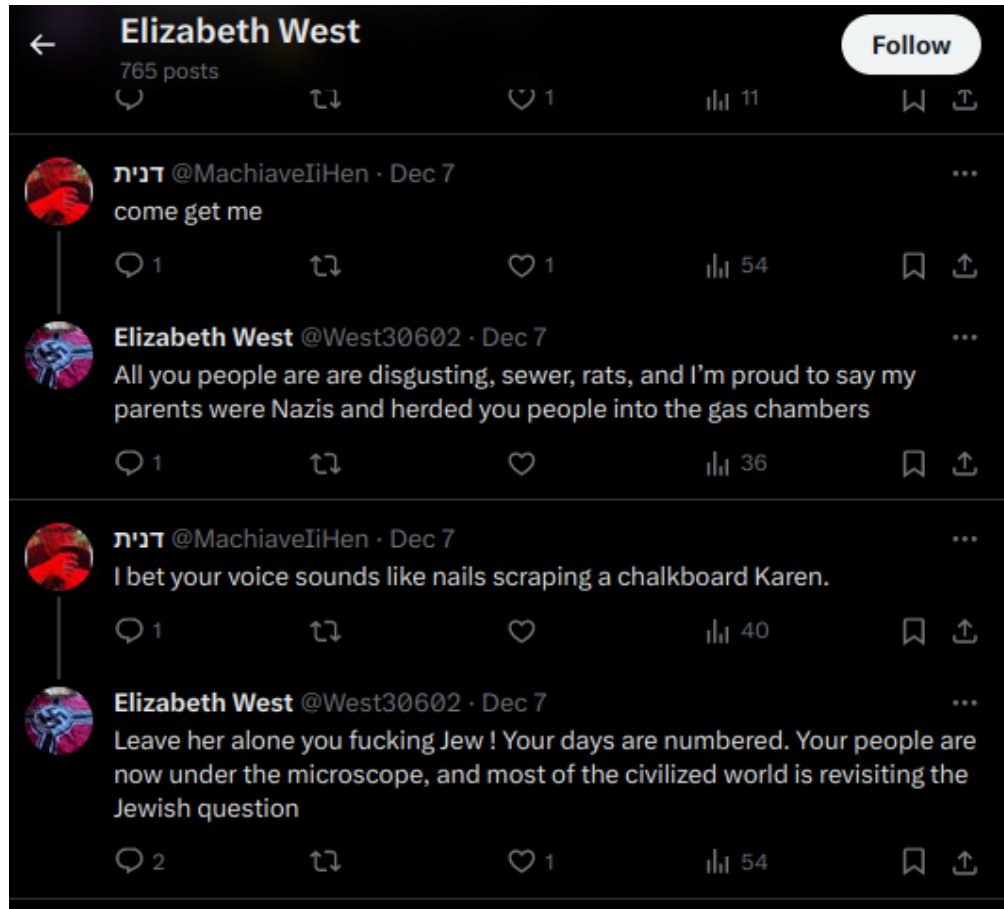


⁴ On March 15, 2019, Brenton Tarrant entered two mosques during Friday prayer and live-streamed a far-right terror attack of 91 people. The attack was linked to an increase in white supremacy and alt-right extremism globally. The shooting has inspired many copycat killings, dubbed the “Tarrant effect”. The guns and magazines used were covered in white writing naming historical events, people, and motifs related to historical conflicts, wars and battles between Muslims and European Christians. The slogans contained the names of other far-right attackers and white supremacist slogans such as the anti-Muslim phrase “Remove Kebab”.



On December 5, 2023, West uploaded a picture depicting a shotgun, an assault rifle, two handguns and an AK-47 with a white and green camouflaged body. The comment on the picture stated “don’t forget white women”.





On December 15, 2023, West posted a video clip of news footage of an alleged hate crime that occurred in Los Angeles against a bi-racial couple in August 2020. The video is a compilation of multiple videos all pertaining to Nazi rhetoric. West then posted an image of a Nazi Flag with the comment: “Merry Christmas everyone and may all your Christmas wishes be white”.

SA Gonzalez and SA Fikes attempted a third interview with West, as her behavior appeared to be escalating. The agents called West on her cell phone on two different occasions. After each call the agents left West a message requesting a return phone call.

From December 25 through December 28, 2023, West posted images with comments on her X page (depicted below) engaging in violent rhetoric about killing black people. It appears

West changed around the first letters of the comments to avoid having the content removed from X.



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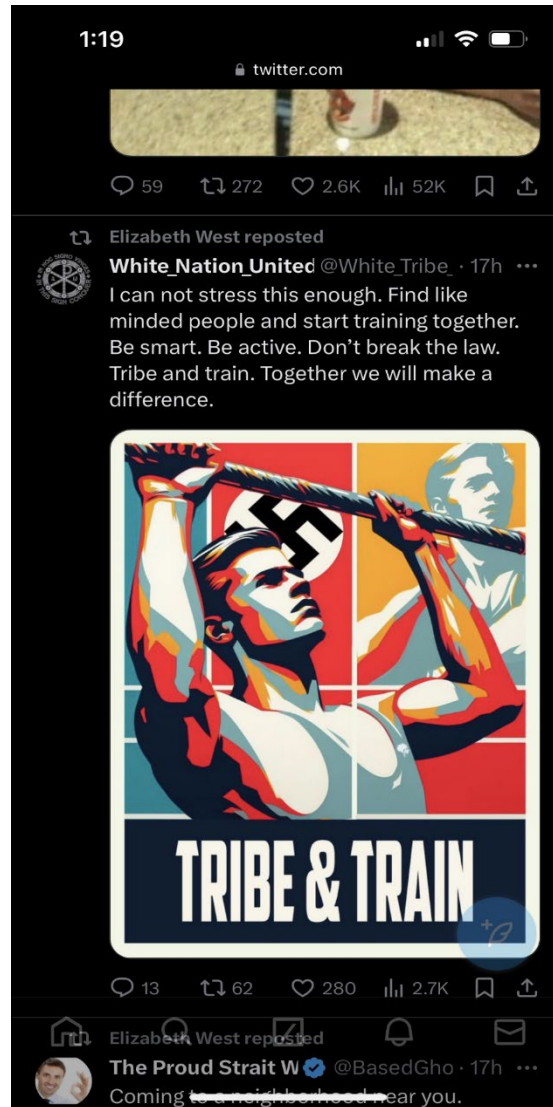
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On December 29, 2023, SA Hunter Fikes received an email from NCIC alerting him to the application for a “long gun”⁵ by West. On December 29, 2023, West made the following post to her X account:



On December 30, 2023, SA Gonzalez called West on her cell phone. The call went unanswered. SA Gonzalez left a message for West requesting a return call and identifying as an

⁵ A “long gun” is a general description for a category of firearms with long barrels, such as a rifle.

FBI Agent. Later the same day, SA Hunter Fikes called West on her cell phone under the pretext of an employee with the local electric company. During the call, West confirmed her name and address. West told SA Fikes she was currently working in Eugene, Oregon but did not mention the place of employment.

After reviewing these posts, SA Damara Gonzalez received subpoena records from X showing that specific IP addresses belonging to Verizon were used to log into Elizabeth West's X account. Subpoena records received by SA Gonzalez on January 2, 2023 from Verizon show those same IP addresses belonged to West's cell phone number.

January 3, 2023, Interview with West

On January 3, 2023, West left a voicemail for SA Damara Gonzalez, returning her phone call, and requested to meet SA Damara Gonzalez for an interview. SA Gonzalez and SA Fikes met West at a local coffee shop. West stated that her phone number was 541-780-9334 and that her X account was "Elizabeth West". She did not recall the user ID but allowed the agents to scroll through her account page. West's account page matched the X content outlined previously in this affidavit.

West acknowledged that she hates Jews, African Americans, and immigrants. West acknowledged that her X page was full of hateful and violent rhetoric that she consumes and posts daily. West indicated she has multiple shotguns and AR-15s at her residence that she keeps in a safe. West also indicated she is very familiar with the weapons and used to go to a shooting range. West scaled back on shooting when ammunition became too expensive. West told the agents she has not purchased a new weapon in approximately ten years.

West also said she has revolvers; she recently gave those to her neighbors for safe keeping. Last Christmas (2022), West explained, she placed a bullet in the revolvers and played

Russian roulette with herself. She admitted to being in a dissociative state at the time she did this. West explained that she currently suffers from bio-polar disorder and dissociative personality disorder. As a result, West explained, she is currently on medication, although she feels the medication eventually stops working.

West declined the agents' offer to remove her weapons and keep them at the sheriff's office. West stated the weapons were her lifeline and "money in the bank". If she needed to sell them, she would like to access them. West also explained she has previously sold firearms to the local Cabela's.

West stated that she was alone with no friends or family and needed someone to take care of her. She had no savings and did not know what she would do about retirement. She was currently working at a new job, which she felt was safer than the last, because there were no black people or Mexicans. Her gender was also recognized at this new place of employment.

West was seeking medical attention from a psychiatrist and a counselor but could only afford this because she was still receiving OHP. Once she received the pay from her job, she would no longer be able to afford her mental health providers. West was also a part of several support groups. However, with this new job she would not be able to attend the support groups as she would have to work. West wanted to stay at this job for a year in order to apply for disability.

At the last job West had, she was making too much money to receive Oregon health benefits, so she could not afford her mental health treatment and had lost touch with her support groups. This caused her to go into mental distress. Her job did not provide her with enough time off to address her mental distress. West believed this treatment forced her into feeling suicidal and homicidal. West told the agents at the time she wrote the Facebook post (the one that

initiated this investigation) she was in another dissociative state. Quitting the job and receiving her mental health treatment provided her relief.

West explained that her psychiatrist wanted her to check into a hospital for an extended stay. West felt that she could not leave her animals behind, and she had just started a new job. If she left, she did not know if they would be legally required to keep her on the job. West told the agents she would consent to allowing the agents to speak to her mental health providers, in order to ensure she was receiving the best care.

West explained that she used a journal to keep track of her feelings and wrote to vent. She referred to her journal as a “black shadow book”. Agents asked West if she ever journaled about keeping plans on who she would shoot or how she would engage in an act of targeted violence, and she stated “no”.

Search of West’s Residence and Facebook Account

On January 9, 2024, FBI agents executed a search warrant of the person, vehicle, and residence belonging to West. SA Damara Gonzalez and SA Hunter Fikes met West at her place of employment and informed West of the search warrant. FBI agents recovered a single pistol from her vehicle. West informed the agents that she had an appointment at her mental health provider and was released in time for her to make her appointment. West requested agents follow her to the appointment for her own safety.

Upon searching West’s residence the same day, agents seized approximately 11 handguns and 16 rifles⁶, tens of thousands of rounds of ammunition, firearm accessories, a black book that

⁶ Two of the firearms seized during the search warrant appear to match the firearms depicted in West’s original Facebook post, referenced previously in this affidavit.

matched the description of West's "black shadow" journal, 48 drawings, and a black and white composition notebook containing notes made by West. Agents did not locate any revolvers at West's residence. West's neighbors were contacted by the Cottage Grove Police Department and stated they never held any weapons for West (as West had described to agents in an earlier interview). *To date, law enforcement still does not know the location of these two revolvers.*

SA Gonzalez subsequently reviewed West's journal. The journal contained writings from 2008-2016. The first page of the journal stated the following: "Blood, death, self torture self hatred wicked thoughts of mass murder at the gloved hands of the veil mistress". The journal depicts dreams of West turning into a black boy who is then hit by a car and dies. West also journals about her PTSD, anxiety, and dissociative disorder.

Within West's residence was also a black and white composition notebook. There were multiple notes in this book highlighting West's struggle with employment. She journals about her beliefs of being harassed and lists those who have harassed her. On one page, there are images of three rifles colored in ink and drawings of what appear to be hallways. (*See Attachment A*). On the previous page, West apparently references a prior issue she had at another workplace. She notes that she may be up against multiple witnesses, and that she needs to "STICK to [HER] STORY NO MATTER WHAT! Establish mental distress and not willful misconduct-" (*See Attachment A*).

SA Gonzalez also located approximately 48 hand-drawings of what appear to depict West's "Veil Mistress" in various violent and disturbing settings. The illustrations depict a woman, often dressed in attire typically associated with a superhero, wielding a sword, stabbing,

hanging, mutilating, torturing, and killing men, most of whom she refers to as “niggers”.⁷ These illustrations largely contain dialogue in word bubbles. Multiple illustrations depict and communicate (in writing) the Veil Mistress’ sexual arousal by and through brutal methods of death and torture of “niggers” and other victims, at her hands or the hands of those who are fulfilling her desires. One image is titled “That’s Ms. Wolf to you! The Man Slayer- Queen of the under world”, depicting the Veil Mistress standing on top of a pile of mutilated, dead bodies. (Attachment B).

Subsequent to her arrest, FBI also executed an authorized warrant for West’s Facebook account. The FBI confirmed West’s authorship of the public Facebook threat on September 26, 2023. Of note, West authored the following comments or messages on Facebook, leading up to her public threat:

- “My life is so fucked I tried suicide last Christmas played Russian rulett” (May 3, 2023)
- “This is an old post but okay I’m totally nocturnal I live alone in an old house in the country I do odd jobs but mainly I’m a death dealer.” (June 2, 2023)
- “Like I said on your post, my dream is to become a real vampire a death dealer in particular I have the sleek black outfits and a cache of firearms. I just want the opportunity to prove myself” (July 11, 2023)
- “In the mood to cause murder and mayhem, trying to control myself [smiley winky face emoji]” (August 31, 2023)
- “Demons have walked with me all my life and for years I’ve been in a dark place, but truth is on the horizon and they’re leading me to my destiny, and what eventually must do” (September 17, 2023)

On January 11, 2024, SA Damara Gonzalez and SA Hunter Fikes interviewed the mental health worker assigned to work with West. In the conversation, the agents were informed that West signed a release of information for her mental health worker to communicate with the

⁷ But for Attachment B, the government elects not to provide these illustrations as attachments to this filing, due to their obscene and gratuitous nature. However, they will be made available to the Court upon request.

agents. According to her provider, West had made a plan to check herself into a hospital on December 21, 2023. However, West's plan to care for her animals while she was going to be in the hospital fell through, and she did not check herself into the hospital. The mental health worker informed the agents that if West stopped receiving mental health treatment or had access to weapons, they felt she would be a danger to herself and others.

Argument

Under the governing bail statute, 18 U.S.C. § 3142, the government bears the burden of proving by a preponderance of the evidence that a defendant is a flight risk; community danger requires clear and convincing proof. *United States v. Santos-Flores*, 794 F.3d 1088, 1090 (9th Cir. 2015). Four factors help guide release decisions: (1) the nature and circumstances of the offense; (2) the weight of the evidence; (3) the nature and seriousness of the danger posed to the community; and (4) defendant's history and characteristics. 18 U.S.C. § 3142(g).

In terms of presenting evidence at a detention hearing, the government and the defense may proceed by proffer and the rules of evidence do not apply. 18 U.S.C. § 3142(f). The government is not limited to the charged conduct or the contents of a complaint when presenting evidence to support detention. *Cf. United States v. Trujillo*, No. 1:21-cr-01235-WJ, 2022 WL 3542556, 2022 U.S. Dist. 147943, *7 (D. New Mexico Aug. 18, 2022) (noting that defendant "cites no authority that prevents the Court from considering uncharged conduct in determining whether he is a danger to the community or a flight risk"). This Court can and should consider "the evidence surrounding the investigation" and other evidence, even of uncharged conduct, to analyze the defendant's history and characteristics and dangerousness. *Id.*

This Court "may consider evidence of the defendant's past or present wrongful conduct as indicative of a defendant's dangerous tendencies, regardless of whether such conduct resulted

in a state or federal prosecution.” *United States v. Tolbert*, No. 3:09-CR-56-TAV-HBG, 2017 WL 6003075, at *5, 2017 U.S. Dist. LEXIS 198744, at *13 (E.D. Tenn. Dec. 4, 2017); *cf. United States v. Barone*, 387 F. App’x 88, 90 (2d Cir. 2010) (affirming detention of defendant based, in part, on uncharged crimes). The reason for this is clear—the question of whether a defendant is a danger turns on a “practical assessment of the defendant’s dangerousness” not an analysis of the guilt or innocence of the charged offense. *Tolbert*, 2017 U.S. Dist. LEXIS 198744, at *14. And that assessment should include all evidence that speaks to that issue, so long as the Court gives it the appropriate weight. *See United States v. Brown*, No. 22-cr-383, 2022 WL 10080824, 2022 U.S. Dist. LEXIS 188608, *9 (N.D. Ill Oct. 17, 2022 (“The Court is obligated under §3142(g) to consider the danger this defendant will pose to the community if released, and evidence of uncharged conduct may be considered at a detention hearing, as long as it is properly evaluated and weighed.” (citations omitted))).

Considering the statutory factors included within § 3142(g) and the existing evidence, West is (still) a danger to the community. The large amount of weapons and ammunition recovered from her residence and subsequent X posts (including clear violent animus toward specific minority groups and the display of firearms) indicate a willingness to elevate her original threat of violence outwards, beyond her initial targets, towards specific minority groups. The fact that West’s original Facebook post states: “I’ve been preparing for this moment a long time...” is corroborated by West’s own journal entries and drawings, which represent gratuitous and graphic fantasies of violent acts committed against minorities. Furthermore, West’s desire to act out in violence is corroborated by her own Facebook comments in the months (and weeks) leading up to her Facebook threat.

Although the Court's original detention ruling was entered without prejudice, defense presents very little new information for the Court's consideration, regarding conditions of release that could mitigate against West's danger and flight risk. These conditions (some of which were generally presented at the original detention hearing) include agreeing to live in a weapons-free home, restricted and monitored movement, taking prescribed medications, participation in (outpatient) mental health treatment, and compliance with standard release conditions.

And there is little doubt that West is in need of serious mental health treatment. But defense provides no new mental health assessment or any type of risk assessment that gauges risk of danger to the community or flight. Such an assessment should be the minimum requisite amount of information used to consider what, if any, conditions could make West releasable into the community. It is a positive factor that West is apparently taking prescribed medications at Sheridan. But it is unknown what these medications are, and how they specifically relate to her mental health. Even assuming West is taking all prescribed mental health medication, the Court still does not have a recent mental health and/or risk assessment to consider her being properly medicated, within the context of her ultimate safety in/to the community.

Conclusion

West should remain detained as a danger and a flight risk.

Dated: April 9, 2024

Respectfully submitted,

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s/ Adam E. Delph
ADAM E. DELPH
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